

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, SEPTEMBER 15, 2003
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes from Council Members' "Noon" Meeting of September 8, 2003.
2. Pre-Council Meeting Minutes - RE: Towing Contract - September 8, 2003.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

1. ISPC Meeting (Camp)
2. Multicultural Advisory Committee Meeting (McRoy)
3. Mayor's Outdoor Dining Review Committee Meeting (McRoy)
4. Community Learning Center Leadership Council Meeting (Newman)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. Madonna Rehabilitation Hospital - You are cordially invited to attend the Artists' Reception for Kindred Spirits: Celebrating the Healing Power Of Pets - on Friday, September 26, 2003 from 5:00 p.m. to 7:00 p.m. - at Madonna Rehabilitation Hospital, 5401 South Street. (See Invitation)
2. United Nations Association of the United States Of America, Lincoln, Chapter 100 - Invitation to attend the United Nations Association 2003 Annual Banquet for United Nations Day. It will be held on Sunday, October 26, 2003 at 6:00 p.m. in the East Campus Student Union, UNL - The theme for this year is "The United Nations: Building Bridges to Literacy" - You can make reservations by sending \$15.00 per person to Vera Mae Lutz, 3915 Apple, Lincoln, NE 68503 - (See Invitation)

3. E-Mail Invitation - Dinner to Honor Dianna Schimek - Senator DiAnna Schimek is being honored - Sunday, October 26, 2003 at the Interfaith Leadership Awards Banquet at The Cornhusker Hotel - The event begins at 5:00 p.m. with a Reception and Dinner at 6:00 p.m. - Tickets are \$35.00 per person - (See Invitation)
4. 2003 Annual Steward's & Retires Banquet - Invited to our annual Steward's & Retirees dinner on Saturday, October 4, 2003 - At Misty Isles Reception Hall on Havelock Avenue - Social Hour begins at 5:30 p.m. and dinner at 6:30 p.m. - Please RSVP no later than September 20th - Please fill out RSVP form. (See Invitation)
5. The Abendmusik Chorus, recipient of the Arts Organizations award at the 2003 Mayor's Arts Awards, has just returned from a tour of the Poland and the Czech Republic, including a deeply moving performance at the Auschwitz death camp. We invite you to join us on Sunday, September 28, 2003 at 7:30 p.m. at First-Plymouth Church, 2000 D Street - for an encore performance of our concert repertoire, a delightful blend of a capella appetizers representing many musical styles, followed by a reception for the choir. Cost is \$15.00 for adults, \$12.00 for senior citizens (62+), \$8.00 for students. For tickets call Sue Buss at 476-9333. (See Invitation)
6. Sinclair Hille Architects - You're invited to help us celebrate spirit - within our firm, our clients and our community - Open House - on Saturday, October 4, 2003 - 9:30 a.m. (12:30 kick-off) - Open House begins 3 hours prior to kick-off - 700 "Q" Street - RSVP to 476-7331 - Please include names of guests when responding. (See Invitation)
7. E-Mail Invitation to attend the Hawley Area Neighborhood Association's Annual Meeting and picnic. Hamburgers and Hotdogs are provided, please bring your own beverage and some chips or something to share. At 25th & "T" Streets, which is McWilliams Park on Tuesday, September 16, 2003 beginning at 6:00 p.m.- (See Invitation)
8. You're Invited! - The Nebraska State Quarter Design Committee invites you to enjoy some fun, musical entertainment and historical stories at the Nebraska Quarter Design Kick-Off Event!!- at the State Capitol, in the Kenneth S. Wherry Room, #2230-2232 - on Wednesday, September 17, 2003 from 10:00 a.m. to 10:40 a.m. - (See Invitation)

9. The Lincoln Chamber of Commerce invites you to attend the following Ribbon Cuttings: - Please RSVP to Tera Pugh at 436-2355 or E-Mail:
 - A.) Southeast Community College, 8800 "O" Street on Thursday, October 2, 2003 at 3:00 p.m.
 - B.) Talent Plus, Inc. (Ground Breaking), 6500 Pioneers on Tuesday, October 14, 2003 at 10:00 a.m.
10. It's an annual tradition! - Please join the Downtown Lincoln Association at our annual meeting and recognition ceremony as we celebrate another year of progress in Downtown Lincoln. On Thursday, October 16, 2003 - Doors Open at 11:30 a.m. - Luncheon and Awards Ceremony at Noon - \$20.00 per person at Embassy Suites Hotel Ballroom, 1040 "P" Street - Please RSVP by October 6th. (See Invitation)
11. Please join us for a going away Reception for Georgia Glass, Personnel Director on Tuesday, September 16, 2003 from 2:00 p.m. to 4:00 p.m. - Outside Mayor's Office. (See Invitation)

VI. MISCELLANEOUS

1. Discussion of Superior St. sidewalk. (Requested by Ken Svoboda) (See Attachment)

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

ca091503/tjg

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, SEPTEMBER 15, 2003
CONFERENCE ROOM 113

Council Members Present: Jon Camp, Chair; Terry Werner, Vice-Chair; Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman, Ken Svoboda; *ABSENT:* None

Others Present: Mark Bowen, Ann Harrell, Corri Kielty Mayor's Office; Dana Roper, City Attorney; Chief Casady, LPD; Vince Mejer, Purchasing Agent; Don Herz, Finance Director; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda

Prior to addressing the Agenda Items, Chair Camp asked Police Chief Casady and Purchasing Agent Vince Mejer to come forward with the Towing Contract update which had been requested by Council last week.

Chief Casady commented, prior to the presentation, that this morning, just before "Pre-Council", he had received a call from a constituent who expressed upset at this presentation being made at a meeting that had not been advertised on the Council's Agenda. Chief Casady felt that the constituent might be at the Open Mike period of today's formal Council meeting to address the Council Members in this regard.

Mr. Cook asked what the City's Policy was regarding the abuse of staff by citizens, because it seems to have become a regular thing. While he didn't feel Chief Casady needed much protection, there are some others [City Clerk and her Staff were mentioned specifically] who might. Mr. Camp stated that they would simply not allow that...period. He noted that he would be hitting a tough gavel on people....no matter who they are....to stay on track and maintain decorum. He noted that, if time allowed, he would like to discuss the Open Mike portion of the Council's Formal Meeting, stating that he would like to make some changes.

Mr. Camp noted, even though Mr. Roper was not yet at the meeting, that Mr. Roper knew that Council, (at the pre-council last week), had requested a report/update on this from Chief Casady. Mr. Camp asked Chief Casady if he had indicated to Mr. Roper that he would be briefing Council today? Chief Casady answered that he had told Council that he would be reporting back today. He had come today with the thought that he would be here, and if the issue came up, and Council wanted a report, he would be here to give it.

Chief Casady reported that he had gone over the affidavits that someone had given him at last week's pre-council, apparently submitted by Bob VanValkenburg. Chief Casady stated that he had also looked over the letter and e-mail that several Council Members had received which had been addressed to Chief Casady - from Scott Crippen. He stated that he would give Council his thoughts on all of these issues.

First of all, he compared the situation to a soup sandwich. With the exception of Scott Crippen, every other piece of information received in those affidavits is anonymous. Scott Crippen is the only person that has made a direct allegation. His allegation is basically that either eleven or twelve years ago, in 1991 or 1992, Sara Schwartztrauber told him that she was babysitting Vince Mejer's kids. Chief Casady stated that he felt Mr. Crippen is wrong, and believes that Mr. Crippen has Vince confused with someone else entirely; Chief Casady told Council that he felt he knew with whom Mr. Crippen had Vince confused, but it wouldn't matter anyway. It's entirely inconsistent with the age of Vince's children. That is the only direct allegation that Scott Crippen has.

Everything else he has here is what he has heard from others through rumors that have been circulated. In the e-mail, Mr. Crippen takes Chief Casady to task for casting him in the stereotype of tow-truck drivers. Chief Casady stated that he pled guilty to that and stated that he was sorry. Mr. Crippen was right about that...point well taken.

Laying aside Mr. VanValkenburg's '20 Questions', the information in the affidavits all comes from people who right now are anonymous. There was one person named in the body of Bob's documents whom Mr. VanValkenburg asserts is the person that authored an anonymous letter to Council. Chief Casady stated that her name is Michelle Milligan. Mr. VanValkenburg asserts that what she would be able to tell the Police Investigators would be that Sara Schwartztrauber took cash money out of the cash register; and Ms. Milligan thought that at the time she worked for the company, Ms. Schwartztrauber was using illegal plates on the cars from S&S Transmission rather than obtaining personal license plates.

All of the allegations in the affidavits, and Mr. Crippen's, are clearly coming from former employees and competitors of Capital Towing. Chief Casady stated that he had no evidence of an ongoing pattern of theft with conversion of property that is coming from a neutral source that has no ax to grind, such as a citizen's report. Most of the events that are described in the affidavits have no dates. There are, in some cases, indications in the affidavits that this occurred "while I was working for Capital Towing", the latest of the affidavits would be 1999. The Statute of Limitations for felonies in Nebraska is three years; and for Misdemeanors, it is 18 months. So, even if all the alleged facts were true, and if some of these constituted crimes, the information in the affidavits on its face would be beyond the Statute of Limitations and possible prosecution.

Many of the allegations reported in the affidavits contain phrases that make Chief Casady believe that the "speaker" -the affiant- is repeating things that he/she has heard from others, rather than stating direct personal knowledge. There are phrases such as "I became aware of...", or "I've heard repeatedly..." in the documents that cause Chief Casady to draw the conclusion, at several points, that what we're getting here is [hear-say] rather than direct first hand information.

A lot of the issues asserted in the affidavits and in the letter are simply not crimes, even if they did occur. Babysitting is not a crime. Taking cash from one's own cash register when you're a small business owner isn't a crime. Obviously, someone could be committing income tax evasion if they're not reporting those withdrawals in their ordinary income, but he did not have anything from which to draw the conclusion that that is the case. That would be yet another "soup sandwich" to initiate an investigation - on an allegation of actions from several years ago that one of the owners of Capital Towing had a habit of taking small amounts of cash out of the till. He felt it would be beyond the LPD's capability to investigate whether that ever was reported as ordinary income on their Federal income tax returns, even if the Department were so inclined.

Likewise, other issues that simply aren't crimes include the allegation that the owners simply waived towing fees for certain people, including a football player and a public official. Chief Casady stated that he did not know the names of those persons and didn't think it would make any difference. If they want to give someone a pass on their towing fee, that is their business. It is not City money. Those aren't City funds; they don't pay the City a percentage of every vehicle towed, or anything of the sort. So, if they want to give favors to friends and celebrities, they can do so without violating any law...as far as Chief Casady knew.

Chief Casady again noted that some of the issues raised in these documents just make no sense to him. Most of those deal with the vehicles that are being prepared for the City auction. He explained to the Council what kind of vehicles are put at auction. If a car is towed because of outstanding parking tickets or if the owner left town for a time and left the vehicle parked on the street, and it was towed, the first thing a person would do upon return would be to go get the car - pay the parking tickets, pay the tow-in fee - and be on one's way.

The cars that are being auctioned are basically cars whose value is so low that the owner has abandoned the car - on the street or in someone's parking lot. Maybe it's been towed for unpaid parking tickets & they've decided that the cost of getting it out of impound and paying the tickets isn't worth the value of the car. These are cars that no one claims. If the owner doesn't come forward and say "give me my car back", or the car is not worth as much as the tow-in & storage bill, they go to auction. For all intents and purposes, these cars are junk. It's very rare that we have one for which we have a set of keys, or one that can be started up and driven away. It does happen, but it is very rare. If the car had any value, the owner would have reclaimed it. We don't allow perspective bidders to start these cars. They can inspect them, look them over; generally the people bidding on these cars are interested in the value of the tires or rims, or the salvage value of the car.

Chief Casady noted that they do pop the trunks open when they don't have keys and it is the employees of Capital Towing who do that. They have, on several occasions, done that when there was no LPD personnel present. There is nothing in the contract that requires LPD personnel to be present when those vehicles are prepared for auction. The reason for popping the trunk is that we like to get things out of the trunk that might identify the owners, such as personal papers. The other reason we do it is because, years ago, we found a dead human body in the trunk of a car. It was a murder victim from a murder that had happened in Grand Island. That was rather embarrassing and since then, we've been pretty careful - we've been looking in the trunk before we sell these vehicles at auction.

Mr. Camp asked how long after the date of impoundment do you wait to pop the trunk. Is it three weeks? Chief Casady responded that it is immediately prior to the vehicle being prepared for auction. We hold an auction about once a month, so generally a few weeks can go by before we're getting ready for the auction. Wanting to give people time to claim their vehicle, at a minimum it could set there for three weeks. Chief Casady noted that it would make little sense for someone to take those vehicles and invest much effort in trying to make them inoperable, when they're very rarely operable to begin with. They have very little value. He noted that he was not saying that it could not have happened, it just does not make a whole lot of intuitive sense to him. It's rare for one of these vehicles to be repaired and re-marketed as a car, although that does happen, too. He felt it was a bit of a stretch to assert that it's a grave risk to people's personal property to have those cars sitting in a tow lot with the locks removed from the trunk.

Chief Casady reported that some of the issues brought up in these affidavits have already been addressed in previous years. For example, we have taken several new security measures after we had a single incident in which evidence was tampered with. We've also changed some of our own processes. Today, we no longer have the tow lot prepare those vehicles by forcing the trunks open until LPD personnel are there. We've also installed quite a bit of additional video surveillance over the past year and a half as well. He stated that if there was a pattern of theft going on at this impound lot, by either the contractor or the employees, or by simple burglars and trespassers, that this would be reflected in the Police Reports. He felt citizens would be contacting the Police Department to complain that their property had been stolen.

Chief Casady noted that this is a problem, to some extent, at every impound lot in the United States of America. But, we have very few of these. From January 1st of 1998 until today, LPD has investigated 10 reports from the public of thefts from vehicles stored at the lot. One of those reports was highly suspicious. Of the remaining nine, three were cleared with arrests and none of those arrested were employees [of the tow lot]. In one of these cases, the theft was [inaudible] evidence from a vehicle that should have been in a secure area. The evidence was stolen in February, 2002 out of vehicle that the Police had brought in and was inside a closed building, being held as evidence in a fatal traffic accident. The investigating officer discovered that the evidence was missing when he returned to examine the vehicle. After an extensive investigation, including polygraphs of several of the employees, including one of those employees who quit while the investigation was pending, but who did submit to a polygraph examination. It was the opinion of the examiners that he was being deceptive, but we were never able to develop sufficient evidence to prosecute that person or anyone else. We never recovered the evidence. We implemented some additional security procedures in the wake of the case. That's the only case we know of where evidence has ever been tampered with. Of course, when a car is being held as evidence, and we must prove that chain of custody in court....he was unaware of any case they had lost, or a case that had evidence suppressed because of any problems at the impound lot with evidence.

In each of these cases where theft was reported by the public, an investigation was done by the Police Department. In three of those cases we identified the people responsible. Chief Casady noted that among those ten cases, two were reports of items valued at \$6.00 or less. There is not a huge pattern of ordinary citizens whose cars are brought in for unpaid parking tickets, or traffic accidents, telling us that things have been stolen from their cars. That is really quite rare - from the hundreds of cars towed.

Chief Casady noted, summing things up, that most of the allegations submitted here, in his opinion, are the result of rumor and innuendo that have been spread among disgruntled former employees and competitors. He stated that he had no doubt of the sincerity of some of the people who believe these things, but he did not see anything in the affidavit materials to lead him to conclude that the contractors are involved in a criminal enterprise. Though, one never really knows. That could be the case, but it's just not usual police practice for LPD to launch an investigation of a private business to figure out if they've broken any laws.

There is a considerable amount of material here that we could investigate in great detail, if the witnesses were identified. But, to engage in an investigation at this point, particularly given the Statute of Limitations issue, would be exploratory only. He thought it would be unlikely that this would be prosecutable. He noted that he would be willing to do it and have the technical investigations unit interview the affiants, if we can identify them and conduct any necessary follow-up investigation based on those interviews.

He felt if these people were interviewed, the fact and rumor could be sorted out and we could find out which of these allegations are direct knowledge by the affiants and which are merely repeating things they've heard from others. The difficulty of doing this, from Chief Casady's standpoint, is summed up pretty well in Scott Crippen's letter when he states that he thinks the Police Department is covering up and is corrupt. Chief Casady felt that in investigating these rumors, the results would likely be dismissed by these same people as not credible. We'd be spending a good deal of time chasing shadows when we have plenty of work to do.

He noted that there are some potential issues that might be uncovered in the process. He noted he had already uncovered one of those. He felt they probably need to re-word a section in the contract before it is finalized....dealing with the inventorying of cars. His advice to the City Council

would be to let Mr. VanValkenburg continue to see if he can talk another law enforcement agency into conducting an investigation. Let these people sue one another. Chief Casady didn't think he could satisfy these people who think there is some kind of on-going criminal enterprise being conducted by the Schwartztraubers, regardless of what is done. He was not really excited about engaging in that exercise.

He added that there are some things he felt the Council should know. He pointed out that there is a provision in the contract that requires the towing company to inventory vehicles that have been brought in. That inventory has been very cursory. It generally amounts to writing down things that can be seen from outside the car. It appears that the contractors, like the Police Department, are somewhat reluctant to rummage around inside the car. Generally speaking, they open the car and do whatever they have to do to get it in towing condition -such as getting it out of gear or releasing the parking brake. They don't open up glove boxes, look under seats or open the trunk to see what's there. Although, inventorying is required, it's rather cursory.

He also informed Council that it is probably a mistake on the City's part to have a specification in the contract proposal that requires 'no arrests' in the past five years. He felt that the wording should be "conviction" rather than "arrest". He was sorry that he was not aware of that stipulation prior to the specifications being released.

He also wanted Council to know that it was brought to his attention (during this morning's telephone call) that one of the two principals in this company, appears to have a 1970 felony conviction (when he was about 18 years old) for joy riding. Chief Casady noted that he had not been aware of that. He had checked Mr. Schwartztraubers' criminal history, but the computerized records only go back to 1980.

Mr. Mejer added that when Lincolnland had the towing contract, we had the same allegations...the same types of allegations. Chief Casady affirmed that there had been- no matter who holds the contract, there are these types of problems and issues.

Mr. Werner asked if there should be something in the contract that would prohibit the person who has the contract from purchasing these vehicles at auction? Mr. Mejer stated that they could put something in there to that effect, noting, however, that it is one of their ways to re-coup their money for storage. Mr. Werner asked then, if it is viewed as something that they can do? Mr. Mejer answered that if the cars aren't sold, then the City has the problem of getting rid of them.

Chief Casady commented that if we don't get a minimum bid of \$100.00 at the auction, then we transfer title of the vehicle to Capital Towing and they dispose of it as they see fit. Ms. McRoy observed then, that they get the cars anyway, whether we prohibit it or not. Chief Casady answered that we don't have any provision in the contract that prevents Capital Towing or its employees from bidding on the vehicles. So, they could bid \$150.00 if they wanted to. Ms. McRoy asked why they would bid when, if it doesn't sell, they get it anyway? Mr. Mejer stated that there might be a good car out there and they could bid on it. But, if you do that [prohibit their bidding on vehicles] the next allegation you'd get would be that "they paid so-and-so to bid on a car that they knew was a good one".

Mr. Mejer noted that there have always been these types of allegations. He stated that he had read everything that Bob submitted to Council last week and noted that the material was full of innuendos, opinions, and accusations that are unsubstantiated. Mr. Mejer commented briefly on remarks made at the pre-council last week regarding ... his children, noting [that allegation] is ludicrous. But he would state that every since he has been with the City, since 1989, every time the tow contract comes up, we go through this. It was in 1994 that they picketed City Hall with their tow trucks.

Mr. Mejer stated that he is doing nothing except proceeding with the Law Department in submitting the contract for Council's signature - as well as the lease agreement.

Mr. Camp acknowledge Ms. Newman for comment. Ms. Newman asked what kind of volume was being discussed in this issue. She asked how many cars per year are towed and how many are auctioned off? Mr. Mejer answered that Bob was sort of on track with that information. They net about \$100,000 per year. So, you're looking at \$800,000 over an eight year period. Chief Casady noted that he could not state the exact number, but there are between 10,000 and 12,000 accidents in Lincoln every year. Capital probably tows a high percentage of the vehicles involved in accidents. If there is an accident that makes a vehicle undrivable, the officer will ask what wrecker the driver would prefer and if the driver says they don't know or don't care, the police officer will call Capital [Towing]. That is a big lot - there are several hundred vehicles there right now. That is a rotating stock. LPD does about 800 [tows] per year on parking.

Ms. Newman asked, out of that number, how many are auctioned off each year? Chief Casady responded that probably, a few hundred. He stated that LPD holds an auction every month where there will be 30-50 cars, so there would probably be about 500 or so cars per year.

Mr. Cook asked if four years ago there hadn't been some strange action taken by the Council when one towing contract was approved, then reconsidered, then ended up going back with the.... Mr. Mejer noted that it was delayed and that was in the interim of moving the impound lot with the tie-downs being a concern. There was a brief discussion on this issue.

Mr. Camp noted that there had been some concerns regarding the different entities involved in the contract process. He asked Mr. Mejer to explain 'who was who' between Capital and Phantom Towing. Who is bidding - is it Capital or Phantom? Mr. Mejer answered that the original bid proposal was submitted by Phantom, Inc. When it came time for contract signing, it was Phantom, dba Independent Towing. Then there was, somehow, a merger of Independent Towing and Capital Towing. Now, Capital is the one that is submitting the proposal. Phantom and Independent Towing are out of the business.

Mr. Camp stated that looking at all of these concerns that have been raised and the question of substantive allegations, the Council is not sitting as judge and jury on these allegations. The one element Mr. Camp looked at was "is this a responsible entity that is bidding on a City contract?" So, with someone raising doubts of sorts, he couldn't, as an individual or as a Council Member, ignore it. But, he was not sure what we do beyond this point. He noted that Chief Casady had brought up a number of things that may be law-breaking, but there are matters that are outside of the contract.

Mr. Friendt asked Chief Casady if his Department would undertake an investigation in any other situation based on this kind of suspicion? Chief Casady answered "no". He stated that this would be discarded pretty readily because of the Statute of Limitations issue. The only difference here is that it is a City contractor and you wonder if there is any on-going criminal conduct. He stated that the best evidence he had in front of him was that people -ordinary citizens who've had their cars towed- are not reporting these kinds of thefts. He added that if you turn over enough rocks at a small business anywhere, you will eventually find something.

Mr. Friendt stated that the suggestion of letting whomever wants to, including Mr. VanValkenburg, find some other law enforcement organization to look at this information and say yes - we think there are grounds to invest time and investigation - fine. That would solve a couple of issues there. Mr. Friendt noted that his suspicion was that it would not happen.

Chief Casady stated that he was not here today to be a friend of the contractor. He did not know these people. He had never met any of them. He stated that he had talked with Sara Schwartztrauber on the phone once. He stated that he couldn't even tell Council what the names

of the principals in this outfit were. He has no idea what kind of shenanigans they may be pulling, but he did not see enough evidence to go looking.

Mr. Friendt commented that there would be just one other follow-up. Beyond the issue of baby-sitters and hear-say, there were some very specific statements of fact about the bidding process, itself - such as what was attached, or not attached and how people complied with the bidding process. He asked Mr. Mejer if he would, at least, respond to those, in writing. He would expect that to be done. He added, obviously, anything that is related to hear-say - no; but, if it is a statement of fact, he would like to have Mr. Mejer's reaction to the statement.

Mr. Mejer stated that he would do so. He added that he had spent approximately two hours on Wednesday with Nate Jenkins of the [Lincoln] *Journal [Star]* They had gone over the complaints and the process and everything. Mr. Mejer had thought Mr. Jenkins would do a story on that interview, but he didn't.

Mr. Friendt noted that when we have something like this, with some citizens broadcasting such stuff around, we need to express the appropriate level of concern to get answers that satisfy the Council. Mr. Mejer asked if the response should be at a meeting like this, or something into the files? Mr. Friendt answered that if Mr. Mejer wanted to provide it in writing, then talk about it before submitting it as public record, we'll have another meeting, but Mr. Friendt didn't feel that another meeting was needed. Mr. Mejer commented that if it goes into the files, it just keeps feeding the fire. Mr. Friendt answered that was, in his opinion, not the case. He thought it would help - throw the last bucket of water on the fire.

Mr. Camp asked Mr. Roper, as the City's legal counsel, if he had any other thoughts on this issue. Mr. Roper stated that he did not. He stated that he thought the choices Council had been given are probably correct. He was in full agreement with what Tom and Vince have said. We can head on down the road and if somebody has a smoking gun that they can show us either before or at the hearing, then we can go from there.

Mr. Camp asked Mr. Roper for his thoughts, in reference to Chief Casady's comments at the beginning of this presentation, relating to an earlier call this morning, wherein a constituent had raised the point that Council didn't really have this presentation scheduled on our agenda and had raised some concerns on that issue. Mr. Roper answered that it would have been better if it had been scheduled. Mr. Camp asked what should be done at this point. Mr. Roper answered that the minutes could be made available to the concerned individuals.

Chief Casady offered to come to the Open Mike portion of the Formal Meeting to discuss the issue if Council would like him to. Mr. Camp asked Mr. Roper what he would recommend? Mr. Roper answered that the minutes be prepared and that the concerned parties have the minutes of this meeting. Mr. Camp asked what he should say when he receives a call from a constituent. Mr. Roper reiterated that it should be stated that there had been a "Noon" meeting on this topic and the minutes would be made available. That is about all we can say.

I MINUTES

1. Minutes from Council Members' "Noon" Meeting of September 8, 2003.
2. Pre-Council Meeting Minutes - RE: Towing Contract - September 8, 2003.

Chair Camp requested a motion to approve the above-listed minutes. Patte Newman requested amendment to the September 8th, "Noon" Meeting Minutes to indicate that she had not made the comments attributed to her under the JBC report. Ken Svoboda moved to approve the minutes, as amended. The motion was seconded by Annette McRoy and the minutes were approved, as amended, by general consensus of the Council.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES -

1. ISPC (Camp) No Report
2. MULTICULTURAL ADVISORY COMMITTEE (McRoy) - No Report
3. MAYOR'S OUTDOOR DINING REVIEW COMMITTEE (McRoy) Ms. McRoy did attend this meeting. She reported that the Committee would be meeting every Wednesday morning regarding sidewalk cafes and beer gardens, primarily in the downtown area. They will be looking at what we have and updating that information as well as information on some of the older, historical neighborhoods - as far as the beer gardens are concerned.

Mr. Camp asked if this Committee would be addressing issues such as gates? Ms. McRoy noted that that issue had been resolved before the State Liquor Commission, so we don't need to worry about that. Mr. Camp asked what some of the other concerns were. Ms. McRoy answered that it was basically who qualifies for outdoor dining, noting the distinction between beer gardens and outdoor dining.

Ms. McRoy also noted that they were addressing the vendor cart issue. She explained that the Committee would like to see more of them, but currently it is so difficult to get permits, we're looking at streamlining that process so we're not driving people away.

She read the Committee's stated goals which included the following: Define who is eligible for outdoor dining; bars or restaurants regulations; updated gates (taken care of); vendor carts; beer gardens on sidewalk (including pedestrian concerns). She added that smoking with outdoor dining will also be considered.

Mr. Werner asked who was on the committee. Ms. McRoy answered, but her remarks were inaudible on the tape. A list of the members as provided by the Mayor's Office:

Larry Small, Chair	Nadar Sepahpur	Scott Miller
Bob Campbell	Ken Svoboda	Annette McRoy
Ann Harrell	Polly McMullen	Rick Peo
Bruce Dart	Joy Citta	Chuck Schweitzer
Ed Zimmer	Jeff Cole	

4. COMMUNITY LEARNING CENTER LEADERSHIP COUNCIL (Newman)
No Report (Schedule Conflict)

OTHER MEETINGS - Ms. Newman reported on two meetings not listed above. The first was the North 48th Street Redevelopment Task Force which is underway and she attended their most recent meeting. There are great plans proposed. They will be having public meetings to talk about the different concepts that they've come up with. It is exciting stuff and she hoped everyone would attend, because there were some good solutions posed for what they want to accomplish there.

The other meeting was on Friday, and participants are calling it the PRT+, because it is basically the same people as those on the Problem Resolution Team. We discussed more general issues. We've asked different staff to come up with a "wish list"...or where they see gaps in trying to solve problems, whether that gap is communication between different departments, or gaps in the present ordinances that do not offer a "hammer" to enforce some of the things that they want. There will be another meeting in two weeks to see if we can't come up with some solutions. Ms. McRoy noted that they were looking for faster solutions. It takes forever to get anything done through process. Ms. Newman noted that, in fact, one of Jonathan's RFI requests was a PRT case that has been on the books for the last three or four months. It's a simple issue that should be quickly and easily solved. Ms. McRoy noted that the process can take forever, and, frankly, be exploited.

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen commented that he had a couple of quick items. He stated that he had been visiting with Mr. Camp about the scheduling of pre-councils. He has a list he will discuss with Mr. Camp. He noted that they would try to do two pre-councils per Monday...no more than two...to make it easier on Council Members and afford them a little more spare time.

The Omaha Council Office had been contacted and Mr. Bowen had posed the ideas that the Council members had offered for consideration at the upcoming Joint Meeting. He noted that last year the meeting was held on October 30th. The Omaha Council has stated that they don't want to meet before then, so we're looking, potentially, at four dates: November 5th or 6th and November 12th or 13th. Omaha Council members will check their schedules and see what would work best for them. Council Members noted that the two dates that would most universally work for them would be November 5th or the 12th. The meeting will be held in the Omaha Council Offices.

Mr. Bowen stated that Mr. Herz had stopped by to distribute the EMS report. Mr. Herz came forward, distributed the material and gave a brief explanation of the foot-note on the first page which referenced the Medicaid refunds. He explained that he would have a better idea of the net revenues that will be collected once the data from the last three months of June, July and August are received. He noted that a benchmark for his considerations is \$500,000 per month in gross revenues, which is \$6,000,000 in total. He felt he would have the information needed to identify that net revenue by the end of October. He invited Council Members to contact him with any questions they might have.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

1. Discussion of Superior St. sidewalk. (Requested by Ken Svoboda) - **Carry Over to September 22nd. "Noon" Agenda**

FROM ADDENDUM:

1. Discussion on E-Mail from Scott Crippen sent to Jon Camp regarding the City's Towing contract. (Requested by Jon Camp) *Addressed in Opening Discussion*
- II. Discussion on E-Mail from Ed Caudill - President North Bottoms Neighborhood Association RE: Problems With After Game Parties in the Neighborhood. *Mr. Camp noted that he had given a copy of the e-mail to Chief Casady.*

VII. COUNCIL MEMBERS -

JON CAMP - Mr. Camp, after receiving word from Mr. Kerry Eagan regarding interviews being scheduled for this Friday on the Joint Receptionist Position, asked which Council Member would like to sit in on the interviews on Council's behalf. After a brief discussion, it was decided that Councilman Cook would be the Council representative at these interviews.

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

ANNETTE McROY - Ms. McRoy reported to Council that, regarding the informal Council Gathering scheduled for September, she had decided to postpone the gathering to a later date.

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

CORRI KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:25 p.m.

cm091503/jvr